

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
STEWART TITLE GUARANTY)	
COMPANY,)	
Plaintiff,)	
v.)	Civil Action No. 04-10783-GAO
UBS PRINCIPAL FINANCE LLC, et al.,)	
Defendants.)	
_____)	
CHICAGO TITLE INSURANCE)	
COMPANY,)	
Plaintiff,)	
v.)	Civil Action No. 05-10046-GAO
BSC GROUP, INC., and)	
BSC COMPANIES, INC.,)	
f/k/a The BSC Group, Inc.,)	
Defendants.)	
_____)	

**JOINT MOTION FOR ORDER OF REFERENCE TO ADR PANEL
AND TO EXTEND DISCOVERY AND OTHER DEADLINES
TO PERMIT MEDIATION**

The parties to these consolidated matters hereby move jointly for an order referring these matters to the Court's ADR panel for mediation, and an extending all discovery and other deadlines established in this case for approximately nine months, or such other time as determined by the Court., so as to permit the mediation to occur.

In support of this joint motion, the parties state as follows:

1. This case involves efforts by plaintiffs Stewart Title Guaranty Company ("Stewart") and Chicago Title Insurance Company ("Chicago Title") to recover from defendants BSC Group, Inc. et al. ("BSC") damages they and their insured, UBS Principal Finance LLC and

its subsidiaries (“UBS”), allegedly incurred as a result of an allegedly negligent survey performed by BSC.

2. Since the scheduling conference in these consolidated matters, the parties have exchanged their initial disclosures and served written discovery. All of the parties have produced for inspection those documents that are responsive to written document requests, including difficult-to-obtain documents that were in the hands of non-party witness, such as appraisers, consultants and UBS itself. Stewart and Chicago Title expect to furnish BSC with answers to BSC’s interrogatories, which focus primarily on plaintiffs’ damages claims, by mid-February.

3. The parties have moved with due diligence in this matter and the passage of the existing deadlines was not caused by any party ignoring or flouting its responsibilities. They have been in on-going settlement discussions, which have caused some of the existing deadlines to “slip.”

4. Discovery completed to date has convinced the parties that they should attempt to mediate these disputes at this time. The parties thus request an order from this Court referring these matters to the Court’s ADR panel.

5. The parties further request an extension of approximately nine months for all discovery and other deadlines pending mediation. A stay is consistent with the goal of the Federal Rules of Civil Procedure “to secure the just, speedy, and inexpensive determination of every action.” Fed. R. Civ. P. 1. Should mediation not result in settlement of these cases, the revised schedule will permit the parties to complete depositions, file dispositive motions and prepare for trial.

6. The parties suggest the following revised deadlines:

- a. All written discovery, excluding requests for admission, shall be served on or before February 1, 2006.
- b. All depositions shall be conducted on or before June 30, 2006.
- c. Stewart and Chicago shall disclose expert testimony under Fed. R. Civ. P. 26(a)(2) by April 15, 2006. BSC shall disclose expert testimony under Fed. R. Civ. P. 26(a)(2) by May 15, 2006.
- d. Requests for admission shall be served by June 30, 2006.
- e. Motions for Summary Judgment shall be filed on or before July 15, 2006.
- f. The parties request that a Pre-Trial Conference be scheduled during the month of September, 2006.
- g. The parties request that trial be scheduled during the fall of 2006.

STEWART TITLE GUARANTY
COMPANY,
By its attorneys,

CHICAGO TITLE INSURANCE
COMPANY
By its attorneys,

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